

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services-Treasuries and Accounts Department- Sri B.Pallayya, S.A and 3 others District Treasury, East Godavari -Notional seniority in the category of Jr. Accountant on par with his juniors -Issued-Orders.

FINANCE (ADMN-III) DEPARTMENT

G.O.Rt.No. 1918

Dated:03-05-2011

Read the following:

- 1.Lr.No.A2/19579/2006, dated.12-01.2007 of the DTA, AP, Hyderabad
2. Memo.No.31639/978/A1/Admn-III/2006, Dated:19-11-2010
- 3.Lr.No.A2/19579/2007, dated.28-03-2011 of the DTA, AP, Hyderabad

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ORDER:

In the reference 1<sup>st</sup> read above, the DTA has informed that, Sri B.Pallaya, S.A. District Treasury, East Godavari & 3others have filed O.A. No 6548/06 before the Hon'ble APAT to fix their seniority in the cadre of Junior Accountant from the date of their initial appointment by transfer as J.A. instead of from date of completion of training in the J.A category and consequently to review the seniority in the category of Sr. Accountant as per the Judgment of Hon'ble APAT in O.A.No. 7515/96 and O.A. No. 1741/97 dated 17-10-2003. The Hon.ble APAT has issued orders directing the respondents to consider the request of the applicants and re-fix seniority before deciding the seniority of the unofficial respondent (Sri G.Vishwanatham) by strictly following the Rules and regulations governing the fixation of seniority.

As per the Govt. orders in Memo. dt. 16-1-2006 the Deputy Director, Dist. Treasury, East Godavari has revised the seniority of the Sri G. Vishwanadham in J.A. category from 12-10-1993 to that of 28-10-1991 vide his proceedings dt. 21-3-2006 and on revision of seniority in S.A. category notices have been issued to the effected persons. Aggrieved by the notices issued, Sri B.Pallaya, S.A and 3 others have filed O.A.No.6548/2006 before APAT to consider their case as in the case of Sri G. Vishwanadham.

The unofficial Respondent in O.A.No.6548/2006 (Sri G. Viswanadham) is junior to the applicants except Sri P.V. Ramana who was appointed as Jr. Accountant by transfer from the category of Shroff and joined duty as J.A. on 28-10-1991 and completed induction training on 12-10-1993. His services are regularized w.e.f. 12-10-1993 (i.e., the date of completion of Induction Training). Sri G. Viswanadham filed O.A. No.7515/1996 before APAT ie., O.A.No.1741/97 praying the Tribunal to direct the Respondents to fix the seniority above the direct recruitees who were appointed after the date of his appointment by transfer as J.A. Pending the O.A. the services of Sri G. Vishwanadham has been regularized by the D.D., Dist. Treasury, E.G. Dist. from the date of completion of Training and he was promoted as S.A. by the RJD, Region-I, Visakhapatnam and he assumed to duty as Sr. Accountant as on 12-7-1999 A.N.

As the matter stood pending, the Govt. have issued amendment to Rule 10 of A.P. State & Subordinate Service Rules in G.O.Ms.No.192, Fin. & Plg. (FW.Admn.III) Dept., dt. 18-11-1999, wherein it was ordered to regularize the services of all the cases pending for regularization as on the date of notification from the date of first appointment as J.A. on par with the other direct recruits.

The Hon'ble A.P.A.T. has passed orders dt. 17-10-2003 in O.A.No.7515/96 and O.A.No.1741/97 to regularize the services of the individuals who were appointed as J.As. by transfer w.e.f. the date of appointment as J.A. As the orders of A.P.A.T. is contradictory to the orders issued in G.O.Ms.No.192, dt. 18-11-1999 wherein the applicability of the amendment in G.O.Ms.No.192, dt. 18-11-1999 are confined to the persons whose regularization of services are pending on the date of notification, as the services of the unofficial respondent have already been regularized, W.P. has been filed against the judgement of A.P.A.T. in O.A.No.7515/96 and 1741/97 before Hon'ble High Court in W.P.No.7361/05, and the said W.P. has been dismissed on 7-4-2005 at the admission stage itself.Govt. in Memo. No. 11792/328/A1/Admn.III/2005, dated 16-1-2006 has issued orders to revise the seniority of Sri G. Vishwanadham.

Where as Sri B. Pallayya & others were also promoted as J.As. by transfer from the category of Shroff and their services in J.A. category are regularized w.e.f. date of completion of Training and were subsequently promoted as S.As. and their services were regularized.

On the O.A.No.6548/2006 filed by Sri B. Pallayya & others the unofficial Respondent (Sri G. Vishwanadham) has filed W.P. in the Hon'ble High Court to stay all further proceedings pursuant to the orders passed by the Hon'ble A.P.A.T. in the said O.A. (O.A.No.6548/2006) pending W.P. and the Hon'ble High Court in W.P.No.34670 of 2006 has passed Stay on 28-12-2006, on the orders of APAT dt. 17-11-2006 passed in O.A.No.6548/2006.

As per the orders of Hon'ble A.P.A.T. dt. 17-10-2003 passed in O.A.Nos.7515/96 and 1741/97 filed by G. Vishwanadham, J.A. and also in view of the dismissal of the W.P. No. 7361 of 2005 by the Hon'ble High Court which was filed by the D.T.A., against the above orders of Hon'ble APAT, Government have requested the D.T.A., vide Memo. dt. 16-1-2006 to consider the request of Sri G. Viswanadham, S.A. to revise his seniority in the category of J.A. and to take further action according to Rule 24 of A.P. State and Subordinate Service Rules, 1996.

The Hon'ble Tribunal in O.A6548/2006 filed by Sri B. Pallayya and 3 others have issued orders on 06-11-2009 directing the respondents to reckon the seniority of the applicants in the category of Junior Accountants from the date of their initial appointment, by transfer as Junior Accountants and consequently review the seniority of the applicants in the category of Senior Accountants while fixing the seniority of 5<sup>th</sup> respondent viz Sri G. Vishwanadham as directed by the Tribunal in O.A. No. 7515/1996 and O.A. No. 1741/1999 dt. 17-10-2003. Govt. In Memo dated 03-03-2010 has directed the DTA to prepare the list of eligible Jr. Accountants as per Rule 6(i) of APSSS Rules, 1996 for further examination. The DTA in turn has furnished the List of eligible candidates through his Lr.No. A2/19579/2006, dt. 28-06-2010. Meanwhile, the applicants i.e Pallayya and 3 others have filed contempt application vide C.A. no. 531/2010 in O.A.No. 6548/2006 for not implementing the orders of the Hon'ble tribunal and the contempt is pending with APAT.

In the reference 2<sup>nd</sup> read above, Government after careful examination have permitted the DTA to review the panel of Sr. Accountants for assigning notional seniority to Sri Sri B.Pallayya, and 3 others i.e. Sri B.Pallayya, Sri Ch.V.Venkateshwara Rao, Sri P.V.Ramana and Sri Ch.V. Rajagopalam w.e.f. 11-12-1996,12-12-1996,12-12-1996 and 04-04-1999 respectively i.e. the date of regularization of their immediate Juniors in the combined seniority list of Senior Accountants in Zone II on par with his Juniors in the category of Jr. Accountant by following the due procedure as per Rule 24 of A.P. State and Subordinate Service Rules, 1996 and then refer the matter to the Government for relaxation of Rule 33(a) of the A.P. State and Subordinate Service Rules, 1996.

In the reference 3<sup>rd</sup> read above, the DTA has informed that notices have been issued to all likely effected persons on the proposed notional promotion to Sri B.Pallyya and 3 others on par with their immediate Junior Smt. M. Ratnakumari, and submitted their representations, if any with in (15) days from the date of receipt of the memo. All the Deputy Directors of District Treasuries in Zone – II have submitted that, no objections were received from the affected individuals on the proposed assigning of notional seniority in respect of Sri B.Pallyya and (3) others in the Senior Accountant category. The DTA has requested the Government kindly to accord permission for assigning notional seniority as under duly placing their names in the combined seniority

list of Sr. Accountant in Zone-II duly relaxing Rule 33(a) of the A.P. State and Subordinate Service Rules, 1996.:

Name of the individual	Proposed date of regularization in the cadre of S.Ac.	Placement in the seniority list of Senior Accountants of Zone II
Sri B.Pallayya, J.A	11-12-1996	Below Sri K.Pullayya and above Smt. P.Uma Devei
Sri Ch. V.Venkateshwara Rao J.A	12-12-1996	Below Sri B.Markandeya Murthy and above Sri G.Vishwanatham
Sri P.V.Ramana	12-12-1996	Below Sri G.Vishwanatham and above Smt. J.Sbnehalatha
Sri Ch.V.Rajagopalam, J.A.	04-04-1999	Below Sri K.R.K.Prasad and above Sri T.Satyanarayana.

Government after careful examination of the matter, hereby permit the DTA to assign notional seniority in the combined seniority list of Sr. Accountant in Zone-II to Sri B.Pallayya, Sri Ch.V.Venkateshwara Rao, Sri P.V.Ramana and Sri Ch. V. Rajagopalam w.e.f. 11-12-1996,12-12-1996,12-12-1996 and 04-04-1999 respectively i.e. the date of regularization of their immediate Juniors in the combined seniority list of Senior Accountants in Zone II on par with his Juniors in the category of Jr. Accountant duly relaxing Rule 33(a) of the A.P. State and Subordinate Service Rules, 1996

The Director of Treasuries & Accounts, Hyderabad is requested to take further action in the matter accordingly.

The G.O. is available on Internet and can be accessed at the address <http://www.goir.ap.gov.in>

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V.SUBRAHMANYAM  
PRINCIPAL SECRETARY TO GOVERNMENT (FP)

To  
The individuals  
(through the DTA, Hyd.)  
Copy to: The D.T.A., A.P., Hyd.  
SC/SF

//FORWARDED:: BY ORDER//

SECTION OFFICER